



An Coimisiún um  
**Rialáil Cumarsáide**  
Commission for  
**Communications Regulation**

## Information Notice

UPDATE ON LITIGATION IN RESPECT OF WHOLESALE  
COMPLIANCE CASES BETWEEN COMREG AND EIRCOM

### Information Notice

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**Commission for Communications Regulation**

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## Additional Information

Document No:	17/98
Date:	5 December 2017

Document No:	17/64 a/b/c
Date:	13 July 2017

1. In June 2017, ComReg made findings of five breaches of wholesale related regulatory obligations<sup>1</sup> against Eircom and applied to the High Court with a view to obtaining orders for financial penalties in each case. Eircom then issued proceedings against the State (namely, against the Minister for Communications, Climate Action and Environment, Ireland and the Attorney General) challenging the validity of the legislation upon which ComReg proposed to make its application for financial penalties. Eircom also obtained a stay on ComReg progressing its enforcement cases, pending the determination of Eircom's challenge to the legislation. At its request, ComReg was joined as a Defendant to the proceedings brought by Eircom against the Minister and the other State parties. The hearing on this matter was due to commence in the High Court on Thursday 14 June 2018.
2. Separately, ComReg has been working on following up on reports by its advisors KPMG and Cartesian published on 13 July 2017<sup>2</sup> concerning Eircom's internal governance arrangements as they pertain to regulatory matters. ComReg is scheduled to publish proposals to address the issues described in these reports later in 2018.
3. ComReg and Eircom have held discussions on a possible agreed resolution of the litigation referred to above, the scope of which also included discussions on significantly enhanced regulatory governance arrangements in Eircom. In these circumstances, ComReg, has jointly with Eircom and the State, approached the High Court and requested that the hearing date of 14 June 2018, be vacated, to allow time for further discussions to continue. The High Court has consented to this request and the proceedings are listed for mention before the High Court on 23 July 2018.

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<sup>1</sup> Ref ComReg document 17/98 for more information.

<sup>2</sup> Ref ComReg document 17/64 and annexes.